

EXHIBIT 1

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

THE NEW YORK TIMES COMPANY,

Plaintiff,

v.

MICROSOFT CORPORATION, OPENAI,
INC., OPENAI LP, OPENAI GP, LLC,
OPENAI, LLC, OPENAI OPCO LLC,
OPENAI GLOBAL LLC, OAI
CORPORATION, LLC, and OPENAI
HOLDINGS, LLC,

Defendants.

Civil Action No. 1:23-cv-11195 (SHS) (OTW)

AFFIDAVIT OF KAREN A. CHESLEY

I, Karen Chesley, pursuant to 28 U.S.C. § 1746, hereby declare as follows:

1. I am Senior Litigation Counsel at The New York Times Company (“The Times”). I am over 18 years of age, of sound mind and otherwise competent to make this Affidavit. The statements set out in the foregoing Affidavit are based on my personal knowledge.

2. In preparing this Affidavit, I consulted with various Times employees who have knowledge about how The Times uses generative AI, including The Times’s Chief Technology Officer, Jason Sobel.

3. The Times does not train its own large-language models (“LLMs”) for generative AI purposes.

4. Likewise, The Times does not use the copyrighted content of other publishers to train LLMs, or to develop any other generative AI tool for company use.

5. To the extent The Times authorizes the use of generative AI tools in the course of its business, such tools are based on LLMs developed by others and are subject to the terms of The Times's guidance for the use of generative AI.

6. The Times pays the fees that technology companies, including OpenAI, charge to use the LLMs that they developed.

7. I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct.

Executed on the 17th day of January, 2025.



A handwritten signature in blue ink, appearing to read "Karen Chesley".

Karen A. Chesley